

title 39 referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

**(c) Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee**

Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

**(d) Administrative procedure regulations**

The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551 to 559 and 701 to 706, of title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

**(e) Property of Senate; records of select committee; voting record; location of records, data, and files**

The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record

vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

(Pub. L. 93-191, § 6, Dec. 18, 1973, 87 Stat. 744; Pub. L. 93-255, § 3(b), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-255 inserted reference to section 3219 of title 39.

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of Title 39, Postal Service.

**CHAPTER 17—CONGRESSIONAL BUDGET OFFICE**

Sec. 601.	Establishment.
602.	Duties and functions.
603.	Public access to budget data.
604.	Omitted.
605.	Sale or lease of property, supplies, or services.
606.	Disposition of surplus or obsolete property.
607.	Lump-sum payments for annual leave to separated employees.
608.	Lump-sum payments to enhance staff recruitment and to reward exceptional performance.
609.	Employee training.
610.	Repayment of student loan on behalf of employee.
611.	Employee development program.
612.	Executive exchange program.

**§ 601. Establishment**

**(a) In general**

(1) There is established an office of the Congress to be known as the Congressional Budget Office (hereinafter in this chapter referred to as the "Office"). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

(3) The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

(4) The Director may be removed by either House by resolution.

(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

- (i) the highest annual rate of compensation of any officer of the Senate; or
- (ii) the highest annual rate of compensation of any officer of the House of Representatives.

(B) The Deputy Director shall receive compensation at an annual rate of pay that is \$1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).

**(b) Personnel**

The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

**(c) Experts and consultants**

In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5.

**(d) Relationship to executive branch**

The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services, facilities, and personnel with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

**(e) Relationship to other agencies of Congress**

In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the

various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the Government Accountability Office,<sup>1</sup> and the Library of Congress, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General,<sup>1</sup> and the Librarian of Congress are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

**(f) Revenue estimates**

For the purposes of revenue legislation which is income, estate and gift, excise, and payroll taxes (i.e., Social Security), considered or enacted in any session of Congress, the Congressional Budget Office shall use exclusively during that session of Congress revenue estimates provided to it by the Joint Committee on Taxation. During that session of Congress such revenue estimates shall be transmitted by the Congressional Budget Office to any committee of the House of Representatives or the Senate requesting such estimates, and shall be used by such Committees in determining such estimates. The Budget Committees of the Senate and House shall determine all estimates with respect to scoring points of order and with respect to the execution of the purposes of this Act.

**(g) Authorization of appropriations**

There are authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Until sums are first appropriated pursuant to the preceding sentence, but for a period not exceeding 12 months following the effective date of this subsection, the expenses of the Office shall be paid from the contingent fund of the Senate, in accordance with section 68 of this title, and upon vouchers approved by the Director.

(Pub. L. 93-344, title II, §201, July 12, 1974, 88 Stat. 302; Pub. L. 99-177, title II, §273, Dec. 12, 1985, 99 Stat. 1098, renumbered §201(g) of Pub. L. 93-344, Pub. L. 101-508, title XIII, §13202(b), Nov. 5, 1990, 104 Stat. 1388-615; Pub. L. 101-508, title XIII, §13202(a), (c), Nov. 5, 1990, 104 Stat. 1388-615; Pub. L. 105-33, title X, §10102, Aug. 5, 1997, 111 Stat. 678; Pub. L. 106-113, div. B, §1000(a)(5) [title II, §224], Nov. 29, 1999, 113 Stat. 1536, 1501A-299; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f), means Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a-3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c-1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a-1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

<sup>1</sup> So in original. Comma probably should not appear.

## CODIFICATION

Pub. L. 101-508, §12302(b), transferred section 273 of Pub. L. 99-177, which was classified to section 921 of this title, to subsec. (g) (now (f)) of this section, relating to revenue estimates.

## AMENDMENTS

2004—Subsec. (e). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1999—Subsec. (a)(5). Pub. L. 106-113 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5. The Deputy Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as so in effect, for level IV of the Executive Schedule in section 5315 of such title.”

1997—Subsec. (a)(3). Pub. L. 105-33, §10102(a), substituted “The term of office of the Director shall be 4 years and shall expire on January 3 of the year preceding each Presidential election.” for “The term of office of the Director first appointed shall expire at noon on January 3, 1979, and the terms of office of Directors subsequently appointed shall expire at noon on January 3 of each fourth year thereafter.”

Subsec. (e). Pub. L. 105-33, §10102(b), inserted “and” before “the Library”, struck out “and the Office of Technology Assessment,” after “Library of Congress,” inserted “and” before “the Librarian”, and struck out “, and the Technology Assessment Board” after “Librarian of Congress”.

Subsecs. (f), (g). Pub. L. 105-33, §10102(c), redesignated subsec. (g), relating to revenue estimates, as (f).

1990—Subsec. (f). Pub. L. 101-508, §13202(a), redesignated subsec. (f), relating to authorization of appropriations, as (g).

Subsec. (g). Pub. L. 101-508, §13202(a), redesignated subsec. (f), relating to authorization of appropriations, as (g).

Pub. L. 101-508, §12302(b), (c), redesignated section 921 of this title as subsec. (g) of this section, inserted heading “Revenue estimates” and substituted “this Act” for “this title and the Congressional Budget and Impoundment Control Act of 1974”.

## EFFECTIVE DATE

Subsec. (a) effective July 12, 1974, see section 905(a) of Pub. L. 93-344, and subsecs. (b) to (f) effective on day on which first Director of Congressional Budget Office is appointed under subsec. (a), see section 905(a), (b) of Pub. L. 93-344, formerly set out as a note under section 621 of this title.

## SHORT TITLE

Pub. L. 93-344, which enacted this chapter, to be cited in its entirety as the “Congressional Budget and Impoundment Control Act of 1974”, with titles I through IX thereof to be cited as the “Congressional Budget Act of 1974”, see section 1(a) of Pub. L. 93-344, set out as a note under section 621 of this title.

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

## § 602. Duties and functions

## (a) Assistance to budget committees

It shall be the primary duty and function of the Office to provide to the Committees on the

Budget of both Houses information which will assist such committees in the discharge of all matters within their jurisdictions, including (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing new budget authority or tax expenditures, (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions, and (3) such related information as such Committees may request.

## (b) Assistance to Committees on Appropriations, Ways and Means, and Finance

At the request of the Committee on Appropriations of either House, the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate, the Office shall provide to such Committee any information which will assist it in the discharge of matters within its jurisdiction, including information described in clauses (1) and (2) of subsection (a) of this section and such related information as the Committee may request.

## (c) Assistance to other committees and Members

(1) At the request of any other committee of the House of Representatives or the Senate or any joint committee of the Congress, the Office shall provide to such committee or joint committee any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent practicable, such additional information related to the foregoing as may be requested.

(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(A) a significant budgetary impact on State, local, or tribal governments;

(B) a significant financial impact on the private sector; or

(C) a significant employment impact on the private sector.

(3) At the request of any Member of the House or Senate, the Office shall provide to such Member any information compiled in carrying out clauses (1) and (2) of subsection (a) of this section, and, to the extent available, such additional information related to the foregoing as may be requested.

## (d) Assignment of office personnel to committees and joint committees

At the request of the Committee on the Budget of either House, personnel of the Office shall be assigned, on a temporary basis, to assist such committee. At the request of any other committee of either House or any joint committee of the Congress, personnel of the Office may be assigned, on a temporary basis, to assist such committee or joint committee with respect to matters directly related to the applicable provisions of subsection (b) or (c) of this section.

## (e) Reports to budget committees

(1) On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the